

Appl. No. 10/743,985
Amdt. dated 11/30/2007
Response to Office Action of 10/31/2007

Attorney Docket No.: N1085-00168
[TSMC 2003-0219]

REMARKS/ELECTION

Claims 11-19 and 36-46 are pending in the subject application. Claim 41 is hereby amended in this paper.

In response to the subject Office action – Restriction Requirement – Applicants
5 elect to further prosecute the above-identified application as follows

The Examiner requires an election and alleges that the application includes the following tentatively identified species:

I. Species 1, claims 11-19, pertaining to a device including one or more additional gate regions covering all discrete implant regions under the one or more
10 additional gate regions and a gate oxide layer covering but not encroaching the discrete implant regions and being under the one or more additional gate regions;

II. Species 2, claims 36-40, pertaining to a device including a gate oxide layer formed over the surface and covering the discrete implant regions and having the same thickness over the discrete implant regions and over regions other than the
15 discrete implant regions; and

III. Species 3, claims 41-46, pertaining to a device including a plurality of gate regions covering thick and thin oxide regions.

Pursuant to the indication on page 2 of the subject Office action (Restriction Requirement) that "Applicant is advised that a reply to this requirement must include an
20 identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon," Applicants point out that Species 1, drawn to "a device including one or more additional gate regions covering all discrete implant regions under the one or more additional gate regions and a gate oxide layer covering but not encroaching the discrete implant regions and being under the one or more additional
25 gate regions", properly includes claims 11-19 and 37-39 because the above-cited

Appl. No. 10/743,985
Amdt. dated 11/30/2007
Response to Office Action of 10/31/2007

Attorney Docket No.: N1085-00168
[TSMC 2003-0219]

feature appears in independent claim 11 and claims 12-19 and 37-39 depend, directly or indirectly, from independent claim 11.

In view of the foregoing, Applicants elect Species 1, for further prosecution and request that claims 11-19 and 37-39, drawn to Species 1, be examined on the merits.

5 This election is made with traverse.

Claim 41 has been amended and is now generic to species 1, 2 and 3. If claim 41 or any other generic claim is allowed, Applicant are entitled to examination in this application of any claim that is dependent on the allowed generic claim.

10 The Assistant Commissioner for Patents is hereby authorized to charge any fees necessary to give effect to this filing and to credit any excess payment that may be associated with this communication, to Deposit Account 04-1679.

15 Dated: 30 November 2007

Respectfully submitted,



Mark J. Marcelli, Reg. No. 36,593
Attorney for Applicant

20 DUANE MORRIS LLP
101 West Broadway, Suite 900
San Diego, CA 92101
Telephone: (619) 744-2200
Facsimile: (619) 744-2201